

IN THE MATTER OF

\*

BEFORE THE MARYLAND

DANIEL J. PLACIDO, D.D.S.

\*

STATE BOARD OF

License Number 3286

\*

DENTAL EXAMINERS

Respondent

\*

Case Numbers: 2005-078,126

\* \* \* \* \*

**CONSENT ORDER**

On January 10, 2007, the Maryland State Board of Dental Examiners (the "Board"), **INDEFINITELY SUSPENDED** the license of Daniel J. Placido, D.D.S. ("Respondent"), License No. 3286, under the Maryland Dentistry Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 4-101, *et seq.* (2005 & Supp. 2006) based on his failure to comply with a previously executed Consent Order.

On September 6, 2006, the Board issued a Consent Order reprimanding the Respondent for violations of the Act under § 4-315(a). Under the terms of the Consent Order, the Respondent was placed on probation, with conditions, for a period of one (1) year. The terms and conditions of probation required the Respondent, *inter alia*, to take and pass with at least a ninety (90) percent, the Maryland Law Examination. The Respondent was also required to comply with the Centers for Disease Control's ("CDC") Guidelines in his dental practice and was subject to at least two (2) inspections to ensure his compliance.

As a result of negotiations between the Respondent, by his attorney, D. Elizabeth Walker, Esquire, the Office of the Attorney General, by Kimberly S. Cammarata, Assistant Attorney General, and the Board, the parties agreed to enter into this Consent Order as an appropriate resolution of the Order of Suspension and any charges that may have issued as a result of the violations delineated herein.

## **HISTORICAL BACKGROUND**

1. On September 6, 2006, the Board issued a Consent Order finding the Respondent in violation of the Act, H.O. § 4-315(a)(6) (practicing dentistry in a professionally incompetent manner); (11) (permitting an unauthorized individual to practice dentistry); (16) (behaving dishonorably or unprofessionally, or violating a professional code of ethics pertaining to the dentistry profession); (18) (violating a rule or regulation of the Board) and (28) (failing to comply with the CDC guidelines on universal precautions). The Board's Order was based on factual findings that the Respondent permitted unauthorized persons to provide orthodontic care and that he failed to comply with CDC guidelines.

2. With respect to the CDC guidelines, the Board found that the Respondent: attempted to treat two (2) patients using the same gloves; treated a patient bare handed; failed to wash his hands before gloving and after de-gloving; failed to wear an appropriate lab coat during patient treatment; failed to spore test the autoclave on a weekly basis; and permitted dental assistants to practice in violation of CDC guidelines.

3. The Board reprimanded the Respondent and placed the Respondent on probation with conditions for a period of one (1) year.

## **FINDINGS OF FACT**

### **Law Examination**

4. As a condition of probation, the Respondent was required to take the Maryland Law Examination and obtain a grade of at least 90% without using any reference

materials during the examination. The Respondent was required to pass the examination in no more than three (3) attempts, on or before January 6, 2007.

5. The Respondent took the examination on one (1) occasion prior to January 6, 2007 and attained a score of 72%. The Respondent, following the issuance of the Order suspending his license, took the examination again twice on January 16, 2007. The Respondent attained scores of 80% and 88%. The Respondent has not passed the examination as required. Under the terms and conditions of his Consent Order, the Respondent's license shall be immediately suspended until such time as he successfully completes the examination, closed book, with at least a 90%.

#### CDC Inspections

6. As a further condition of probation, the Respondent was required to have his practice observed and inspected by a Board-approved CDC consultant to ensure compliance with CDC guidelines. The Order provided that:

A finding by the Board indicating that the Respondent or his practice is not in compliance with the CDC guidelines shall constitute a violation of this Order and may, in the Board's discretion, be grounds for immediately suspending the Respondent's license.

7. On October 25, 2006, a Board-approved CDC consultant conducted a four (4) hour unannounced inspection of the Respondent's office. The consultant noted on-going CDC violations. Specifically the consultant noted:

- a. The Respondent did not change his gloves from one patient to the next;
- b. The Respondent failed to wash or disinfect his hands after removing his gloves and prior to charting. When prompted to do so by the consultant, the Respondent advised that it was too difficult to put on new gloves with wet hands. The consultant obtained hand sanitizer for the Respondent, yet he continued to be inconsistent with hand washing;

- c. The Respondent failed to wear an appropriate lab coat. When prompted to do so by the consultant, the Respondent refused;
  - d. The Respondent failed to wear adequate protective eyewear. When prompted to do so by the consultant, the Respondent refused;
  - e. The Respondent failed to wear his mask properly, allowing his nose to be exposed. When prompted to wear it properly, the Respondent refused;
  - f. During patient treatment the dental assistant was using a clamped hemostat to place rubber bands in a patient's mouth and she required additional rubber bands. She used the contaminated instrument to retrieve additional rubber bands from a box of bands, thereby contaminating everything in the box;
  - g. Also during patient treatment, the dental assistant needed additional materials from inside a cabinet drawer. She opened the cabinet drawer and obtained the items wearing contaminated gloves;
  - h. The dental assistant failed to adequately disinfect the operatory following patient care;
  - i. The dental assistant failed to wear heavy-duty gloves for the cleaning of the operatory and scrubbing of instruments;
  - j. The air/water syringe was not flushed between patients; and
  - k. Impressions were taken and placed in bags without disinfection. These impressions were then taken to the lab and exposed to other patients' lab materials.
8. The consultant discussed the violations noted and the concerns with the Respondent and his dental assistant. The Respondent dismissively stated, "I will only see you one more time, right."

#### **CONCLUSIONS OF LAW**

Based on the Foregoing Findings of Fact, the Board concludes that the Respondent has violated the terms and conditions of the September 6, 2006 Consent Order. The Respondent failed to pass the Law Examination as required and continued to violate the CDC guidelines.

## ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is by a quorum of the Board of Dental Examiners, hereby:

**ORDERED** that Respondent's license to practice dentistry is **INDEFINETLY SUSPENDED**; and it is further

**ORDERED** that the **SUSPENSION** will be **STAYED** on January 25, 2007, subject to the following conditions:

### Law Examination

The Respondent shall take the Law Examination, closed book, and attain a score of at least 90%.

### Donation

The Respondent shall make an anonymous donation in the amount of Two Thousand Five Hundred Dollars (\$2500.00) to the Maryland Foundation of Dentistry for the Handicapped, the People's Community Health Center, the Montgomery County Colesville Adult Clinic, or another Board approved charitable entity.

The Respondent shall submit a copy of the letter transmitting the anonymous donation and payment confirmation (e.g. carbon copy of money order or certified check) to the Board; and it is further

**ORDERED** that the Respondent's **PROBATION** of one (1) year as delineated in the September 6, 2006 Consent Order is extended to a period of two (2) years from the effective date of this Consent Order subject to the following conditions:

1. The Respondent shall provide to the Board, on or before the fifth day of each month, a listing of his regularly scheduled days and hours for patient care and where he is practicing each day;

2. The Respondent's dental practice shall be subject to random, unannounced inspections by a Board-approved CDC consultant. The consultant shall be permitted to inspect the Respondent's dental practice one (1) time per month for the first three (3) months and on a quarterly basis thereafter during the first year of the probationary period and at least two (2) times during the second year of probation. The next inspection shall be conducted within fifteen (15) days from the date the suspension is stayed. The Respondent shall be responsible for the cost of the consultant inspections. The Respondent shall be responsible for ensuring that the consultant provides a written report to the Board within ten (10) days of the inspection confirming that the Respondent is in compliance with CDC guidelines. The Respondent shall provide the consultant with a copy of the investigative report and Consent Orders.

3. The Respondent shall also be subject to random, unannounced inspections by the Board or its representative(s), at any time during the probationary period.

4. A finding by the Board indicating that the Respondent or his practice is not in compliance with the CDC guidelines shall constitute a violation of this Order and may, in the Board's discretion, be grounds for immediately suspending the Respondent's license. In the event that the Respondent's license is suspended under this provision, he shall be afforded a Show Cause Hearing before the Board to show cause as to why his license should not be suspended or should not have been suspended.

5. The Respondent shall provide copies of his weekly spore test results to the Board on a monthly basis; and it is further

**ORDERED** that this Order supplements but does not supersede the Consent Order of September 6, 2006; and it is further

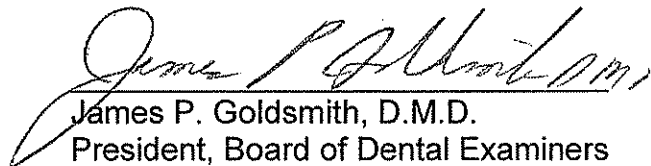
**ORDERED** that if the Respondent does not petition for a Stay of Suspension on or before December 30, 2007, or the Respondent otherwise does not meet the conditions for stay and reinstatement as delineated in this Consent Order, the Board will issue an Order Revoking the Respondent's license; said Order shall be a Final Order, and shall not be subject to appeal; and it is further

**ORDERED** that two (2) years from the effective date of this Consent Order, the Respondent may petition the Board for termination of his probationary status without any conditions or restrictions whatsoever. If the Respondent has satisfactorily complied with all conditions of probation, including at least two (2) years of probation, and there are no outstanding complaints regarding the Respondent, the Board shall terminate the probation; and it is further

**ORDERED** that the Respondent shall be responsible for all costs incurred under this Consent Order; and it is further

**ORDERED** that this Consent Order is PUBLIC DOCUMENT as defined in Md. State Gov't Code Ann. §§ 10-611 *et seq.* (2004 & Supp. 2006).

1-17-07  
Date

  
James P. Goldsmith, D.M.D.  
President, Board of Dental Examiners

### CONSENT

I, **DANIEL J. PLACIDO, D.D.S.**, License No. 3286, by affixing my signature hereto, acknowledge that:

1. I have had the opportunity to consult with D. Elizabeth Walker, Esquire before signing this document.

2. I am aware that I am entitled to an evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 4-318 and Md. State Gov't. Code Ann. §§10-201 *et seq.*

3. I acknowledge the validity of this Consent Order as if entered into after an evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law.

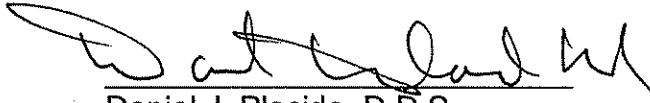
4. I voluntarily consent to the foregoing Findings of Fact, Conclusions of Law and Order, provided that the Board adopts the foregoing Consent Order in its entirety. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to an evidentiary hearing, as set forth above, and any right to appeal this Consent Order as set forth in § 4-318 of the Act and Md. State Gov't. Code Ann. §§ 10-201 *et seq.*

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order I may be subject to disciplinary action, which may include revocation of my license to practice dentistry in the State of Maryland.




6. I sign this Consent Order without reservation as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

1/17/07  
Date

  
Daniel J. Placido, D.D.S.

Approved by:

  
D. Elizabeth Walker, Esquire.


**NOTARY**

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY THAT on this 17th day of Jan, 2007, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Daniel J. Placido, D.D.S., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

  
Notary Public

My Commission Expires: 1/1/08